

**Change Of Attorney Or Agent's Address In Application
(37 CFR 1.8(a))**

Docket No.

753-20

In Re Application Of: S. Steinemann

Serial No.
09/445,675

Filing Date
September 13, 2000

Examiner
J. Combs-Morillo

Group Art Unit
1742

Invention: **BINARY TITANIUM-ZIRCONIUM ALLOY FOR SURGICAL IMPLANTS AND A SUITABLE
MANUFACTURING PROCESS**

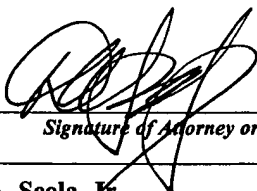
TO THE ASSISTANT COMMISSIONER FOR PATENTS

Please send all correspondence for this application to:

Daniel A. Scola, Jr.
Hoffmann & Baron, LLP
6900 Jericho Turnpike
Syosset, NY 11791

Please direct all telephone calls to:

Daniel A. Scola, Jr.
(973) 331-1700



Signature of Attorney or Agent of Record

Dated: May 24, 2002

Daniel A. Scola, Jr.
Hoffmann & Baron, LLP
6900 Jericho Turnpike
Syosset, NY 11791

(973) 331-1700

Registration Number & Address of Attorney or Agent of Record

I certify that this document is being deposited on
May 24, 2002 with the U.S. Postal Service as first
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Assistant Commissioner for Patents, Washington, D.C.
20231.



Signature of Person Mailing Correspondence

Kathleen J. Goodhand

Typed or Printed Name of Person Mailing Correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: S. Steinemann

Application No.: 09/445,675

Group Art Unit: 1742

Filed: September 13, 2000

Examiner: J. Combs

For: BINARY TITANIUM-ZIRCONIUM
ALLOY FOR SURGICAL IMPLANTS
AND A SUITABLE MANUFACTURING
PROCESS

Commissioner for Patents
Washington, D.C. 20231-0001

NEW ASSOCIATE POWER OF ATTORNEY
(INCLUDING REVOCATION OF PRIOR POWERS OF ATTORNEY)

Sir:

I hereby appoint:

Charles R. Hoffmann, Reg. No. 24,102; Ronald J. Baron, Reg. No. 29,281; Gerald T. Bodner, Reg. No. 30,449; Alan M. Sack, Reg. No. 31,874; A. Thomas Kammer, Reg. No. 28,226; R. Glenn Schroeder, Reg. No. 34,720; Glenn T. Henneberger, Reg. No. 36,074; Irving N. Feit, Reg. No. 28,601; Anthony E. Bennett, Reg. No. 40,910; Gregory W. Bachmann, Reg. No. 41,593; Steven T. Zuschlag, Reg. No. 43,309; Susan A. Sipos, Reg. No. 43,128; Kevin E. McDermott, Reg. No. 35,946; Robert C. Morriss, Reg. No. 42,910; Roderick S.W. Turner, Reg. No. 38,639; Reg. No. 44,741; Algis Anilionis, Reg. No. 36,995; Justin K. Holmes, Reg. No. 42,666; and Lauren T. Emr, Reg. No. 46,139, each of them of HOFFMANN & BARON, LLP, 6900 Jericho Turnpike, Syosset, New York 11791 USA and Daniel A. Scola, Jr., Reg. No. 29,855; Salvatore J. Abbruzzese, Reg. No. 30,152; Mark E. Baron, Reg. No. 46,150; John S. Sopko, Reg. No. 41,321; Gloria K. Szakiel, Reg. No. 45,149; Christina L. Warrick, Reg. No. 45,690; Robert W. Rodrick, Reg. No. 27,086; Ludomir A. Budzyn, Reg. No. 40,540; Linda T. Parker, Reg. No. 46,046; Rohini Garg, Reg. No. 45,272; Joy I. Farber, Reg. No. 44,103; and Anna Lisa Gallo, Reg. No. 50,279 each of them of HOFFMANN & BARON, LLP, 1055 Parsippany Boulevard, Parsippany, New Jersey 07054, USA.

to prosecute and transact all business in the U. S. Patent and Trademark Office in connection with this application and hereby revoke all prior powers of attorney.

Please address all future correspondence and telephone communications to:

Daniel A. Scola, Jr.
HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
Tel: (973) 331-1700
Fax: (973) 331-1717

Respectfully submitted,

Date:

May 24, 2002



André Braun
Braun & Partner
Reuss Strasse 22
CH-4055 Basel
Switzerland

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700



118530 P

**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER
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Washington, D.C. 20231

NOVEMBER 06, 2000

PTAS

MARK E. WADDELL
245 PARK AVENUE
NEW YORK, NEW YORK 10167-0034



101465160A

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RECORDATION DATE: 09/11/2000

REEL/FRAME: 011076/0717
NUMBER OF PAGES: 2

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

STEINEMANN, SAMUEL.

DOC DATE: 08/17/2000

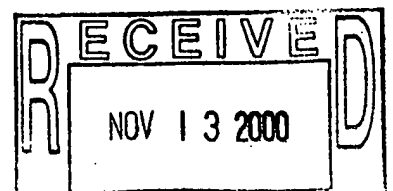
ASSIGNEE:

INSTITUT STRAUMANN AG
HAUPSTR. 26D
CH-4437 WALDENBURG, SWITZERLAND

SERIAL NUMBER: 09445675
PATENT NUMBER:

FILING DATE:
ISSUE DATE:

ALLYSON PURNELL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



09-21-2000

Docket No.: C41169/118530

FORM PTO-1595 (Modified)
(Rev. 6-93)
OMB No. 0651-0011 (exp. 4/94)
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101465160

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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):
Samuel STEINEMANN

Additional names(s) of conveying party(ies) ☐ Yes ☒ No

3. Nature of conveyance:

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Other _____

Execution Date: August 17, 2000

2. Name and address of receiving party(ies):

Name: Institut Straumann AGAddress: Hauptstr. 26d, CH-4437City: Waldenburg State/Prov.: _____Country: Switzerland ZIP: _____

Additional name(s) & address(es) ☐ Yes ☒ No

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: _____

Patent Application No. _____ Filing date _____

B. Patent No.(s) _____

09/445,675December 10, 1999

Additional numbers ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Mark E. WaddellRegistration No. 31,803Address: 245 Park AvenueCity: New York State/Prov.: NYCountry: _____ ZIP: 10167-00346. Total number of applications and patents involved: 17. Total fee (37 CFR 3.41):.....\$ 40.00☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account☐ Authorized to be charged to deposit account

8. Deposit account number:

02-4467

09/20/2000 NTHAI1 00000417 09445675

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Mark E. WaddellMark E. WaddellSeptember 6, 2000

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DATE
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KUWAIT CITY, KUWAIT
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DUBAI, UNITED ARAB EMIRATES
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SHANGHAI, PEOPLE'S REPUBLIC OF CHINA
IN ASSOCIATION WITH BRYAN CAVE,
A MULTINATIONAL PARTNERSHIP.
LONDON, ENGLAND

MARK E. WADDELL

DIRECT DIAL NUMBER
(212) 692-1873

INTERNET ADDRESS
MEWADDELL@BRYANCAVELLP.COM

September 6, 2000

Assistant Commissioner for Patents
Box Assignment
Washington, D.C. 20231

Re: U.S. Patent Application Serial No.: 09/445,675
Filed: December 10, 1999
For: **BINARY TITANIUM-ZIRCONIUM ALLOY FOR
SURGICAL IMPLANTS AND A SUITABLE
MANUFACTURING PROCESS**
Our Ref.: C41169/118530

Sir:

Enclosed for recording is an assignment of the above-identified invention (with Recordation Form Cover Sheet in duplicate). A check in the amount of \$40 is enclosed to cover the recording fee.

If our check is missing or otherwise insufficient, or if any additional fees are required, please charge (or credit any overpayment) to Deposit Account No. 02-4467. A duplicate copy of this letter is attached.

Please return the recorded Assignment to the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Box Assignment, Washington D.C. 20231, on September 6, 2000.

Mark E. Waddell

Respectfully submitted,

Mark E. Waddell
Mark E. Waddell
Registration No. 31,803

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Patent and Trademark Office

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1. Name of conveying party(ies):

Samuel STEINEMANN

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ OtherExecution Date: August 17, 2000

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Name: Institut Straumann AGAddress: Hauptstr. 26d, CH-4437City: Waldenburg

State/Prov.: _____

Country: Switzerland

ZIP: _____

Additional name(s) & address(es)

☐ Yes ☒ No

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is: _____

Patent Application No.

Filing date

09/445,675

December 10, 1999

Additional numbers

B. Patent No.(s)

☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Mark E. WaddellRegistration No. 31,803Address: 245 Park AvenueCity: New YorkState/Prov.: NY

Country: _____

ZIP: 10167-0034

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41):.....\$ 40.00☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account☐ Authorized to be charged to deposit account

8. Deposit account number:

02-4467

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9. Statement and signature.

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Mark E. Waddell

Mark E. Waddell

Signature

September 6, 2000

Date

ST. LOUIS, MISSOURI
WASHINGTON, D.C.
KANSAS CITY, MISSOURI
OVERLAND PARK, KANSAS
PHOENIX, ARIZONA
LOS ANGELES, CALIFORNIA
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HONG KONG
SHANGHAI, PEOPLE'S REPUBLIC OF CHINA
IN ASSOCIATION WITH BRYAN CAVE,
A MULTINATIONAL PARTNERSHIP.
LONDON, ENGLAND

INTERNET ADDRESS
MEWADDELL@BRYANCAVELLP.COM

MARK E. WADDELL
DIRECT DIAL NUMBER
(212) 692-1873

September 6, 2000

Assistant Commissioner for Patents
Box Assignment
Washington, D.C. 20231

Re: U.S. Patent Application Serial No.: 09/445,675
Filed: December 10, 1999
For: **BINARY TITANIUM-ZIRCONIUM ALLOY FOR
SURGICAL IMPLANTS AND A SUITABLE
MANUFACTURING PROCESS**
Our Ref.: C41169/118530

Sir:

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Mark E. Waddell

Respectfully submitted,

Mark E. Waddell
Mark E. Waddell
Registration No. 31,803

Assignment

WHEREAS, I/WE

Samuel STEINEMANN

the ASSIGNOR(S), have invented certain new and useful improvements in

BINARY TITANIUM-ZIRCONIUM ALLOY FOR SURGICAL IMPLANTS AND A SUITABLE MANUFACTURING PROCESS

which are described and claimed in application for United States Letters Patent in respect of which a Declaration and Power of Attorney was executed on

which application is based upon the following foreign application(s)

PCT/CH97/00230

(Number)

PCT

(Country)

10/06/1997

(Day/Month/Year Filed)

NOW, THEREFOR, for and in consideration of the sum of One Dollar(\$1.00) and other good and valuable considerations to me (us) in hand paid, the receipt and sufficiency whereof are hereby acknowledged, I/we have sold, assigned and set over, and by these presents do hereby sell, assign and set over unto

INSTITUT STRAUMANN AG

(the Assignee)

and the said Assignee's legal representatives, successors and assigns, the entire right, title and interest, in and to the said invention within the United States of America and its territories and possessions, and in and to said application and the Letters Patent of the United States of America that may be granted therefor including all treaty and convention rights, together with the right to extend the protection thereof to the various territories and possessions now owned or which may be acquired hereafter by the United States of America; and I/we do hereby request and authorize the Commissioner of Patents to issue said Letters Patent to the above-mentioned Assignee agreeably with the terms of this assignment.

UPON SAID CONSIDERATION, I/we do hereby covenant and agree with the said Assignee that I/we will not execute any writing or do any act whatsoever conflicting with these presents, and that I/we will at any time upon request without further or additional consideration, but at the expense of the said Assignee, execute such additional assignments and other writings and do such additional acts as said Assignee may deem necessary or desirable to perfect the Assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, reissued, or extended Letters Patent of the United States of America on said invention, and in enforcing any rights or choices in action accruing as a result of such applications or patents, including but not limited to, giving testimony in any proceedings or transactions involving such applications or patents, and executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind and inure to the benefit of the assigns and legal representatives of all parties hereto.

IN WITNESS WHEREOF, this Assignment has been executed by the Assignor(s)
at Waldenburg CH, on this 17 day of August, 2000.


[Samuel STEINEMANN]

Declaration and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

BINARY TITANIUM-ZIRCONIUM ALLOY FOR SURGICAL IMPLANTS AND A SUITABLE MANUFACTURING PROCESS

the specification of which

(check one)

☐

is attached hereto

☒

Was filed on **December 10, 1999** as

Application Serial No. **09/445,675**

And was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulation, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

PCT/CH97/00230	PCT	10/06/1997	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
_____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Mark E. Waddell	(Reg.No. 31803)	Stephen M. Haracz	(Reg.No. 33397)
Warren K. MacRae	(Reg.No. 37876)	Kathleen Gersh	(Reg.No. 41806)
Kevin C. Hooper	(Reg.No. 40402)	Robert J. Lipka	(Reg.No. 42807)
Le G. Lenna	(Reg.No. 42796)	Stephen Brown	(Reg.No. 43519)

SEND CORRESPONDENCE TO:

Mark E. Waddell, Esq., Bryan Cave LLP, 245 Park Avenue, New York, NY 10167-0034

DIRECT TELEPHONE CALLS TO: (name and telephone number)

Mark E. Waddell - (212) 692-1800

STEINEMANN, Samuel

Full name of sole or first inventor

Inventors signature

Date

CH-1025 Saint-Sulpice / Switzerland

Residence

Swiss

Citizenship

Chemin de Codoz 14

Post Office Address

Full name of second joint inventor, if any

Inventors signature

Date

Residence

Citizenship

Post Office Address

(Supply similar information and signature for third and subsequent joint inventors)

Title 37, Code of Federal Regulations, § 1.56, duty to disclose information material to patentability (in part) provides, in part, that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The Duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned.

Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.